STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of OLIVIA RODRIGUEZ, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RODOLFO RODRIGUEZ,

Respondent-Appellant.

UNPUBLISHED
March 8, 2007

No. 271055
Bay Circuit Court
Family Division
LC No. 04-008401-NA

Before: Servitto, P.J., and Talbot and Schuette, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(i), (c)(i), (g), (j), and (k)(ii). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993). The trial court's decision is reviewed under the clearly erroneous standard. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005). Clear and convincing evidence of only one statutory ground is needed to support an order for termination of parental rights. *Id.*, at 678.

Here, the minor child's sibling credibly described respondent's inappropriate touching of that sibling, as well as an incident in which respondent disrobed and fondled that sibling's vaginal area. Although there were many inconsistencies between the sibling's testimony at the termination trial in 2006, her testimony at respondent's preliminary examination in 2004, and her statements during a 2004 forensic interview, her basic accusations remained the same over the years. In addition, the testimony of a child witness was also credible, despite some inconsistencies. Based on all the factors evaluated by the trial court and its special opportunity to judge the witnesses' reliability, the trial court did not clearly err by concluding that both witnesses were credible and that respondent had sexually abused the sibling. The trial court thus did not clearly err by finding that at least one statutory ground for termination was established by clear and convincing evidence.

The trial court also did not clearly err in finding that a reasonable likelihood existed that the child will suffer injury or abuse if placed in respondent's home since the operative phrase in MCL 712A.19b(3)(b)(i) is "if placed" in the parent's home. Respondent's proposed interpretation of the statutory language focuses too narrowly on the word "will." The language requires a trial court to evaluate what was reasonably likely to occur in the foreseeable future "if" the child is placed in the parent's home. Here, there was a reasonable likelihood that the child will suffer abuse in the foreseeable future if placed in respondent's home. Under the doctrine of anticipatory neglect, how a parent treats one child is probative, although not conclusive or automatically determinative, of how that parent would treat another child. See *Matter of Smeback*, 160 Mich App 122, 128; 408 NW2d 117 (1987). Considering the accusations against respondent with respect to the minor child's sibling, along with respondent's admitted drunk driving conviction, his admission to driving the minor child around despite the fact that his license was suspended, and his admission to owing over $2,000.00 in child support arrearages, which impacted his overall ability to provide care and custody for the child, the trial court did not clearly err in basing termination on MCL 712A.19b(3)(b)(i), (c)(i), (g), and (j). Since only one statutory ground is necessary for termination, *McIntyre, supra*, we need not determine whether there was clear and convincing evidence that respondent attempted to penetrate the sibling's vagina or assaulted her with intent to penetrate under MCL 712A.19b(3)(k)(ii).

Affirmed.

/s/ Deborah A. Servitto
/s/ Michael J. Talbot
/s/ Bill Schuette